

EXHIBIT E

Testimony Submitted By Constance Malcolm, Mother of Ramarley Graham

**Submitted to New York State Senate Committee on Codes
In Support of S.3695-Bailey/A. 2513-O'Donnell, Repealing NYS CRL Section 50-a**

October 24, 2019

My name is Constance Malcolm and I am the mother of Ramarley Graham, who was killed by NYPD Officer Richard Haste in 2012.

Thank you Senator Bailey for holding this hearing on the need to repeal 50-a and for having me and other families whose loved ones have been killed by police speak today.

I testified last week. I'm back today because of how important repealing 50-a is.

As you know, my son Ramarley was killed in our home, in front of his grandmother and his 6 year old brother. Richard Haste and other officers broke down the door to our home, without a warrant, without warning and without cause.

These officers murdered Ramarley in my home on February 2, 2012.

And then the NYPD murdered Ramarley again in the media by lying about the killing, falsely criminalizing my son in the media and then trying to cover-up the whole thing.

There was so much misconduct surrounding the murder of my son that I don't even know where to start. My son's body was lost for 4 days by the police – we had to ask Carl Heastie to help us find his body so we could bury him. My mother – Ramarley's grandmother -- was interrogated for over 7 hours by police and she wasn't even allowed to talk to her lawyer. They were trying to get my mother to lie about Ramarley.

There's more, but I'm going to stop there for now because **the reason I'm here today is to tell you that we need you to repeal 50-a as soon as the legislative session starts in January 2020.** Not in February or in March or in another year.

50-a needs to be repealed now because it hurts families like mine, like Ms. Carr's, like Delrawn Small's family, like Saheed Vassell, Mohamed Bah, and so many others.

50-a is dangerous for all New Yorkers because it protects officers who kill, officers who rape and sexually assault, officers who disrespect and brutalize us. It lets them hide behind secrecy that the government shouldn't allow.

When my son Ramarley was murdered, it took us 3 years to find out the misconduct history of Richard Haste, the officer who shot and killed him – and that was **only because a whistleblower leaked it to the media.**

We found out Haste had 6 CCRB complaints & 10 allegations in just 13 months – less than 9% of the NYPD had that many complaints in their entire career¹ – and almost none of them have so many complaints in such a short time-frame.

Ramarley was killed just 15 months after the last complaint that we know about from the leak.

The only reason we found out that there had been prior CCRB complaints against Haste is because the information was leaked in 2017 – 3 years after my son was murdered.

Families like mine shouldn't have to rely on leaks to the media to get this kind of basic information.

It took me almost 6 years to get Haste and Sgt Scott Morris off the force. Other officers who also should be gone are still there – some of them, like whoever in the NYPD illegally leaked Ramarley's sealed records -- I don't even know their names because of 50-a.

Because of 50-a I still don't know the misconduct history of Morris or Officer John McLoughlin – one of the officers involved who is still on the force.

McLoughlin was put on a 1 year dismissal probation. **Because of 50-a I don't even know if he did other misconduct during that year of probation and whether he had a long history of past misconduct like Haste.**

While Haste & Morris are not NYPD anymore, I need you to understand that I had to fight every day for almost 6 years to organize political pressure to force them out of the NYPD.

I lost pay from my job because I had to do rallies and press conferences. I had sleepless nights.

I still worry every day about my other son who was only 6 years old when he watched his brother murdered by police in what should have been the safety of our home.

Families shouldn't have to be going through this – and not every family can do what I was able to do.

50-a makes it harder for all of us families – in some ways it makes it impossible for us to really fight for justice because so much information stays hidden from us.

¹ According to 2016-2017 Civilian Complaint Review Board data <https://thinkprogress.org/richard-haste-disciplinary-record-474f77eb8d19/>

This is not fair.

50-a is dangerous for everyone because there's no transparency so these officers who are dangerous and who abuse their authority are allowed to continue to patrol our neighborhoods – and we don't even know who they are.

We know that the police departments in New York state don't discipline officers who kill and brutalize us unless we organize and build major campaigns.

Even in the case of Ramarley, Haste & Morris weren't fired – they resigned.

50-a is a horrible law that is dangerous for New Yorkers.

It took me over 6 years to get additional information about the killing of my son – and that was only because I filed a FOIL with Communities United for Police Reform (CPR) and Justice Committee (JC). And we didn't get all the information we asked for.

The City tried to argue that I couldn't get information about the killing of my son because of 50-a – this is ridiculous and painful.

1 of the many 50-a arguments the City tried to use was that because I had called for the firing of Haste and other officers who were part of the cover-up, the City tried to say that releasing information about the incident and officers would lead to safety concerns for the officers.

This is garbage. Transparency is not a safety risk. We all know it's lies.

And it's dangerous because they are basically telling mothers like me that if we call for the firing of officers who murder our children – that the City will lie and say that we are putting officers at risk.

50-a needs to be fully repealed.

The only purpose it serves is to protect abusive cops and cover-ups.

I am asking you today to think about my son Ramarley. I need you to think about Ms. Carr's son Eric. To think about Valerie's son Sean. To think about Delrawn Small and Kawaski Trawick and Saheed Vassell and so many others who have been killed unjustly by the police.

I need you to think about us and our loved ones and I need you to repeal 50-a for us as soon as possible.